

**FLATHEAD COUNTY BOARD OF ADJUSTMENT  
MINUTES OF THE MEETING  
JANUARY 3, 2017**

<b>CALL TO ORDER</b> <b>6:00 pm</b>	A meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. at the South Campus Building, Suite 200, 40 11 <sup>th</sup> Street West, Kalispell, Montana. Board members present were Cal Dyck, Roger Noble, Mark Hash and Ole Netteberg. Gina Klempel had an excused absence. Donna Valade, Eric Mack, and Mark Mussman represented the Flathead County Planning & Zoning Office.  There were 6 people in the audience.
<b>APPROVAL OF MINUTES</b> <b>6:00 pm</b>	Noble motioned and Dyck seconded to approve the December 6, 2016 minutes as corrected.  The motion passed by quorum.
<b>ELECTION OF OFFICERS</b> <b>6:03 pm</b>	Postponed until a full Board is present.
<b>PUBLIC COMMENT</b> <b>(Public matters that are within the jurisdiction of the Board 2-3-103 M.C.A)</b> <b>6:05 pm</b>	None
<b>SCOTT &amp; MEGAN LESTER</b> <b>(FCU-16-17)</b> <b>6:07 pm</b>	A request by Scott & Megan Lester for a conditional use permit to establish a 'Camp and Retreat Center' on property located within the Highway 93 North Zoning District and zoned <i>R-2.5 Rural Residential</i> . The subject properties are located at 230 and 250 Bauer Way and contain approximately 65 acres. The applicants are proposing to develop a camp and retreat center incorporating farming and agricultural themed educational and recreational outdoor activities and cabins for farm stays. The properties can legally be described as Tracts 6, 6E, 6F and 6G in Section 19, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

**STAFF REPORT  
(FCU-16-17)  
6:07 pm**

Valade reviewed Staff Report FCU-16-17 for the Board.

**BOARD  
QUESTIONS  
6:09 pm**

None

**APPLICANT  
PRESENTATION  
6:09 pm**

Megan Lester-245 Bauer Way stated she owns the property. She shared the history of why the property was purchased and the reasons why the decision to operate an organic farm was made. The venture, operating as a small scale agricultural operation would not support their family. When they added fall harvest activities at the end of last season, they were more successful which led to the application before the board for a camp and retreat center. After talking with their neighbors, she felt the pros of what she was trying to do outweigh the cons. If the camp and retreat center was not successful she feared they would need to sell the land.

**BOARD  
QUESTIONS  
6:13 pm**

None

**PUBLIC  
COMMENT  
6:15 pm**

Mark Fredenberg-190 Bauer Way-was in favor of the application. The property the Lester's owned had been his family farm. He was delighted to hear they wished to continue to farm the land and did not plan to develop it with a subdivision. He said the Lester's were great neighbors and will do what they say they will do.

Carter Fredenberg-200 Bauer Way-was in favor of the application. He reiterated the Lester's were great neighbors and he was happy to see the historical outbuildings of the former family farm not bulldozed to the ground. He had no reason to believe they would not follow the plan and do great with it.

**STAFF  
REBUTTAL  
6:18 pm**

None

**APPLICANT  
REBUTTAL  
6:18 pm**

None

**BOARD  
DISCUSSION  
6:19 pm**

The board and staff briefly discussed the 60 foot easement which was located on several Certificates of Surveys and the process of having the property resurveyed if the applicants wished to have it changed. The applicants were fine with the record of the easement as it was.

**MAIN MOTION  
TO ADOPT F.O.F.  
(FCU-16-17)  
6:20 pm**

Netteberg made a motion seconded by Dyck to adopt the Findings-of-Fact as written.

**BOARD  
DISCUSSION  
6:20 pm**

None

**ROLL CALL TO  
ADOPT F.O.F.  
6:20 pm**

On a roll call vote the motion passed unanimously.

**MAIN MOTION  
TO APPROVE  
(FCU-16-17)  
6:20 pm**

Netteberg made a motion seconded by Dyck to accept Staff Report FCU-16-17 as Findings-of-Fact and Approve the Conditional Use Permit.

**BOARD  
DISCUSSION  
6:20 pm**

None

**ROLL CALL TO  
APPROVE  
6:20 pm**

On a roll call vote the motion passed unanimously.

**MONICA HARRIS  
AND LISA  
GILBERT  
(FCU-16-18)**

~~A request by Monica Harris & Lisa Gilbert for a conditional use permit to establish a 'Camp and Retreat Center' on property located within the Bigfork Zoning District and zoned AG-20 Agricultural. The applicant intends to develop a camp and retreat center incorporating a wilderness retreat with agricultural themed educational outdoor activities and 'artists in residence.' The subject property is located at 500 Wild Swan Trail and contains approximately 20 acres. The property can legally be described as Tract 2AA in Section 36, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana~~

Postponed by Applicant until further notice.

**TAILING LOOP  
WINERY, LLC  
(FCU-16-19)  
6:21 pm**

A request by Tailing Loop Winery, LLC for a conditional use permit to establish a 'tavern' specifically a domestic winery and tasting room on property within the Willow Glen Zoning District and zoned '*B-2/EEO General Business/Evergreen Enterprise Overlay*'. The subject properties are located at 1490 and 1498 Highway 35 in Evergreen and contain approximately 1.3 acres. The parcels can legally be described as Tracts 4-2 and 4-3 in Section 04, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

**STAFF REPORT  
(FCU-16-19)  
6:21 pm**

Mack reviewed Staff Report FCU-16-19 for the Board.

**BOARD  
QUESTIONS  
6:21 pm**

None

**APPLICANT  
PRESENTATION  
6:21 pm**

Meredith Hanson-1498 MT Highway 35-stated she is the owner of Tailing Loop Winery. She stated she is talking to Environmental Health about the septic and would be hooking up to the municipal system. She talked about parking, and reducing the occupancy down from 100 to 75 reducing the number of spaces required. She also talked about the difficulty of access from Highway 35 and stated she would utilize the Shady Lane access.

**BOARD  
QUESTIONS  
6:28 pm**

Noble asked if it was just a tasting room.

Hanson stated she would have wine on tap.

Noble asked if Hanson would be making the wine also.

Hansen stated yes.

**PUBLIC  
COMMENT  
6:29 pm**

David McCauley-Cummings Family Holdings - spoke in favor of the application stating the applicant had a vested interest in the property.

**STAFF  
REBUTTAL  
6:30 pm**

None

**APPLICANT  
REBUTTAL  
6:30 pm**

None

**BOARD  
DISCUSSION  
6:30 pm**

Noble asked about condition 5 stating he did not see a need for it.  
Mack stated it was a standard condition.

**MAIN MOTION  
TO ADOPT F.O.F.  
(FCU-16-19)  
6:32 pm**

Noble made a motion seconded by Dyck to adopt the Findings-of-Fact as written.

**BOARD  
DISCUSSION  
6:32 pm**

None

**ROLL CALL TO  
ADOPT F.O.F.  
6:32 pm**

On a roll call vote the motion passed unanimously.

**MAIN MOTION  
TO APPROVE  
(FCU-16-19)  
6:32 pm**

Noble made a motion seconded by Dyck to accept Staff Report FCU-16-19 as Findings-of-Fact and Approve the Conditional Use Permit with the omission of Condition 5.

**BOARD  
DISCUSSION  
6:32 pm**

None

**ROLL CALL TO  
APPROVE  
6:33 pm**

On a roll call vote the motion passed unanimously.

**OLD BUSINESS  
6:33 pm**

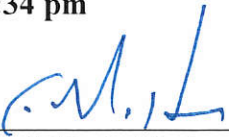
Mussman stated FCU-16-18 Monica Harris & Lisa Gilbert was tentatively moved to February; however, it may go to March. There were no other applications received for February.

**NEW BUSINESS  
6:34 pm**

None

**ADJOURNMENT**  
**6:34 pm**

The meeting was adjourned at approximately 6:34 pm on a motion by Noble.  
The next meeting will be held at 6:00 pm on February 7, 2017.

  
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Mark Hash, Chairman

  
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Danene Thornton, Recording Secretary

*APPROVED AS SUBMITTED/CORRECTED:* 4/4/17